

## Republic of Korea

### OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS

#### 2014 Trafficking in Persons Report

##### Tier 1

The Republic of Korea (ROK or South Korea) is a source, transit, and destination country for men, women, and children subjected to sex trafficking and forced labor. South Korean women are subjected to forced prostitution in Korea and abroad, including in the United States, Canada, Japan, Australia, Hong Kong, Dubai, Taiwan, and Macau. Some women enter destination countries on tourist, work, or student visas, and are subsequently forced into prostitution in massage parlors, room salons, bars, restaurants, or through internet-advertised escort services. Many victims are coerced into prostitution by loan sharks, to whom the victims owe debts, and entertainment establishment owners, who work with loan sharks. Traffickers threaten victims with deportation, harm to family members, or seizure of passports. Hundreds of Korean men, some disabled, are forced to work in salt farms in South Korea, where they experience verbal and physical abuse, nonpayment of wages, long work hours, and poor working and living conditions. South Korean children are increasingly vulnerable to commercial sexual exploitation through online recruitment. Some 200,000 South Korean girls run away from home annually; in need of money for living expenses and shelter, some are subjected to prostitution. Family members or Korean criminal networks recruit children from Southeast Asian countries with false promises of employment and subsequently force them into prostitution in South Korea. South Korean men engage in child sex tourism in Vietnam, Cambodia, and the Philippines. Some Korean fishing crew members engage in commercial sex with children in Kiribati.

Some men and women from China, the Democratic People's Republic of Korea (North Korea), the Philippines, Mongolia, Japan, Vietnam, Cambodia, India, Indonesia, Nepal, Sri Lanka, Thailand, Colombia, Kazakhstan, Kyrgyzstan, Morocco, Pakistan, Russia, Timor-Leste, and Uzbekistan are subjected to forced labor in South Korea; some women from these countries are subjected to forced prostitution. Migrant workers who travel to the ROK, especially those from Vietnam, China, and Indonesia, can incur thousands of dollars in debts, contributing to their vulnerability to debt bondage. Approximately 700,000 low-skilled migrant workers, many employed under the ROK government's Employment Permit System (EPS), work in the fishing, agriculture, livestock, and manufacturing sectors. Some workers face conditions indicative of forced labor, including nonpayment of wages, withholding of passports, debt bondage, sexual abuse, dangerous living conditions, and work that differs from the job description offered to them in their country of origin. More than 2,500 foreign women face debt bondage in "juicy bars" near U.S. military bases. Some women from Mongolia, Laos, and Nepal are recruited for marriage to South Korean men through international marriage brokers and are subjected to forced prostitution or forced labor subsequent to their arrival. The ROK is a transit point for Southeast Asian fishermen subjected to forced labor on fishing ships bound for Fiji and other ports in the Pacific.

The Government of the Republic of Korea fully complies with the minimum standards for the elimination of trafficking. During the reporting period, the ROK prosecuted and convicted its first trafficking case under the revised criminal code, which was amended in 2013. The government also revised criminal procedures and sentencing guidelines for human trafficking crimes. The government released its first formal sex trafficking victim identification guidelines. The number of labor trafficking convictions decreased in 2013.

#### Recommendations for the Republic of Korea:

Enhance efforts to investigate, prosecute, and convict trafficking offenders under the revised criminal code; formalize the government's legal definition of "trafficking" in the criminal code so that it

comprehensively prohibits all forms of trafficking and protects victims; proactively investigate and prosecute South Koreans engaging in prostitution with children in Korea and in child sex tourism abroad; proactively identify trafficking victims among vulnerable populations, including individuals arrested for prostitution, disabled Korean men, and migrant workers, using the new formal victim identification guidelines; proactively investigate allegations of government complicity in trafficking and prosecute offenders who are complicit; standardize immigration officers' application of immigration regulations to potential trafficking victims; enhance consistency in judges' sentencing of trafficking offenders; continue to investigate and prosecute those who utilize forced labor on South Korean-flagged fishing vessels; decrease the rate of suspended sentences and out-of-court financial settlements in sex and labor trafficking cases; and become a party to the 2000 UN TIP Protocol.

## **Prosecution**

The ROK government sustained its anti-trafficking law enforcement efforts. Chapter 31 of the criminal code, revised in 2013, prohibits all forms of trafficking, and prescribes up to 15 years' imprisonment for trafficking crimes; these penalties are sufficiently stringent and commensurate with those prescribed penalties for other serious crimes, such as rape. However, the government continued to use the less stringent 2004 Act on the Punishment of Acts of Arranging Sexual Traffic, the Labor Standards Act, and the Child and Youth Protect Act to prosecute and punish most trafficking offenses. In 2013, the government obtained its first trafficking conviction under the revised criminal code's trafficking provisions, in a case involving a Korean victim forced into prostitution in Ulsan. Six offenders were convicted; one was sentenced to 10 to 18 months' imprisonment and the others to two years of probation. Under other statutes, the government prosecuted 110 trafficking cases and obtained 61 sex trafficking convictions, compared with 30 during the prior reporting period, and 11 labor trafficking convictions, compared with 19 during the prior reporting period. There was an increase in prosecutions involving runaway teenagers forced into prostitution. The government continued to use the Child and Youth Protection Act to prosecute these cases, sentencing convicted traffickers to two to four years' imprisonment or two years of probation. In general, convicted sex trafficking offenders received sentences ranging from two to three years' imprisonment, with fines and community service, but many offenders received suspended sentences in practice. Prosecutors and police officers complained of inconsistent application of immigration regulations and actual time served by those convicted. In March 2014, the government began investigating allegations of forced labor on salt farms involving hundreds of Korean men, including some with disabilities; and the national police rescued these victims from forced labor in South Jeolla. Police actions led to the arrest of more than 26 people for labor violations, but the media alleged provincial police officers alerted salt mine owners to hide labor trafficking victims or destroy evidence in advance of police raids. A 2012 case of labor abuses on ROK-flagged fishing vessels remained pending at the end of the reporting period. The Ministry of Justice (MOJ) held a series of training courses and seminars for prosecutors, judges, and law enforcement officers on the revised criminal code. In 2013, the ROK government, NGOs, and media reported several trafficking cases involving alleged government complicity. In February 2014, workers from Zimbabwe and Burkina Faso, hired by the government-subsidized African Museum in Pocheon, reported debt bondage, underpayment of wages, confiscated passports, and dangerous living conditions; the museum owner and chairman, a leader in the National Assembly, paid the workers back wages and resigned from the museum, but the government did not pursue any charges. NGOs and media alleged officials from the Korean Media Rating Board (KMRB), part of the Ministry of Culture, Sports, and Tourism, granted women E-6 entertainment visas, knowing the women were at risk of being sexually exploited, forced into prostitution, and held under debt bondage. An NGO reported that the national government maintains a list of massage parlors that subject blind masseuses to forced prostitution, and allegedly enjoy official sanction or protection. Another NGO reported the municipal, provincial, and national governments owned land in the red light district of Yongjugol, Gyeonggi Province. Women in the red light districts are forced into prostitution through debt bondage and confinement, and they reported that police officers do not enforce anti-trafficking laws, but instead frequent brothels themselves.

## **Protection**

The ROK government sustained its efforts to protect and assist trafficking victims. Ministry of Gender Equality and Family (MOGEF), in partnership with an NGO, established formal sex trafficking victim identification guidelines in November 2013 and provided training to law enforcement officers, NGOs, and government officials. In 2013, the government identified and assisted 36 foreign national sex trafficking victims; statistics for Korean or foreign victims of labor trafficking were unavailable. MOGEF continued to operate 18 shelters for victims of sex trafficking, sexual assault, and domestic violence. In the specialized shelter for foreign victims of sex trafficking, MOGEF assisted 36 victims in 2013 compared to 35 in 2012. Ministry of Employment and Labor (MOEL) operated 34 Foreign Workforce Centers for Migrant Workers and one counseling center. At these centers, hundreds of labor trafficking victims received counseling, education, job training, and lodging. The government also continued to fund NGOs that offer shelter, counseling, training, and medical and legal assistance to trafficking victims. The National Police Agency (NPA) continued to work with social workers when screening women involved in prostitution to identify and assist potential victims of trafficking. However, women in prostitution caught during police raids were detained, fined, and required to attend training, without being screened for indicators of trafficking. The government maintained an extensive network of support centers for foreign-born spouses and runaway teenagers, two groups vulnerable to trafficking. The government offered foreign victims legal alternatives to their removal to countries in which they may face hardship or retribution. As an incentive to encourage victims to participate in investigations and prosecutions, the government issued G-1 visas to two foreign victims of sex trafficking, with permission to work in South Korea for up to one year.

## **Prevention**

The government increased efforts to prevent human trafficking and conducted campaigns to raise awareness of sex trafficking in South Korea. MOGEF distributed leaflets on the prevention of child sex trafficking through NGOs, shelters, and online. The Women's Human Rights Commission of Korea conducted awareness campaigns on overseas sex trafficking and advertised a hotline for Korean sex trafficking victims in the United States. MOGEF continued to operate hotlines in 14 different languages for trafficking victims. The Ministry of Oceans and Fisheries continued to operate a hotline for foreign crew members; many calls dealt with nonpayment of wages, contract questions, and accident compensation. Hotline operators are conversant in Bahasa Indonesia, Chinese, and Vietnamese. The government provided sex trafficking preventive education programs to schools, government agencies, local governments, and state-run corporations. The government lacked a trafficking-specific national plan of action, but included plans to strengthen anti-trafficking efforts in the National Action Plan for the Promotion and Protection of Human Rights. In September 2013, MOEL surveyed foreign workers about issues related to labor trafficking; over five percent of respondents reported passport confiscation, threats, or physical assault. MOEL also conducted routine inspections for violations of labor trafficking throughout the year. In an effort to curb the demand for commercial sex acts, the government implemented laws to deny suspension of indictment for all offenders who were convicted of sex trafficking involving children (enacted in June 2013) or disabled persons (enacted in September 2013). In September 2013, the National Human Rights Commission of Korea and media reported that the state-run Korean Minting and Security Printing Corporation used Uzbekistan cotton yarn and pulp, products of forced child labor, in South Korean banknotes.

South Korean men remain a source of demand for child sex tourism in Southeast Asia and the Pacific Islands, traveling primarily on travel-agency-organized golf group tours or business trips. In 2013, the government revised its policies to further restrict issuance of passports to those prosecuted for engaging in sex tourism abroad. MOGEF held a symposium for Southeast Asian countries in July 2013 on the eradication of sex trafficking and child sex tourism involving Koreans. Between July and August 2013, the NPA conducted a crackdown on brokers and businesses that recruit Korean women for forced prostitution abroad or organize sex tourism trips for Korean men. The government

continued to post child sex tourism warnings at airport and railroad stations and on the websites of South Korean embassies. However, the government has not prosecuted or convicted any Korean sex tourists during the past seven years. The government continued to provide anti-trafficking training to diplomats and troops prior to their deployment abroad on international peacekeeping missions. In December 2013, the Ministry of Foreign Affairs conducted a training seminar for all its employees on the definition of sex trafficking, the victim rescue process, and preventive measures. The ROK is not a party to the 2000 UN TIP Protocol.

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